

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Monday, August 02, 2010

403 - 4th Floor Courtroom, 1:30 P.M.

Before: **Boggs, Siler, Moore**

09-5721 USA v. Robert Silvey

Eastern District of Kentucky at Lexington K. Forester

Defendant appeals the judgment of conviction and sentence entered upon his guilty plea to being a felon in possession of a firearm. (15 Minutes Per Side)

09-6097 Kaitlyn Calaway v. Jodi Schucker, et al.

Western District of Tennessee at Memphis S. Anderson

Plaintiff appeals the summary judgment for defendant in this diversity action for medical malpractice. (15 Minutes Per Side)

09-1146 USA v. Ahmad Daniels

Eastern District of Michigan at Ann Arbor J. O'Meara

In this criminal action tried to a jury, defendant appeals his conviction for drug trafficking and firearms violations. (15 Minutes Per Side)

08-5230 Keith Adams v. Glenn Haeberlin

Western District of Kentucky at Louisville C. Simpson

Petitioner appeals from the district court's judgment denying his petition for a writ of habeas corpus pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

09-3989 Mohamed Abdi v. Eric Holder, Jr.

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

09-5336 USA v. James Knox, III

Western District of Kentucky at Louisville C. Simpson

Defendant appeals from a district court order denying his motion for reduction of sentence under 18 U.S.C. Section 3582(c)(2). (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, August 03, 2010

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Cole, McKeague, Mays**

09-5534 Teamsters Local Union No. 89 v. The Kroger Co., et al.

Western District of Kentucky at Louisville T. Russell

Defendant and Counter Claimant appeal a partial judgment, certified as final under Fed. R. Civ. P. 54(b), that compels arbitration in this action claiming breach of a collective bargaining agreement, and the secondary boycott law. (15 Minutes Per Side)

08-4641 USA v. Stephen Mobley

Southern District of Ohio at Cincinnati S. Dlott

Defendant appeals the judgment of sentence entered on his guilty plea to conspiracy to commit mail, wire, and bank fraud and aggravated identity theft. (15 Minutes Per Side)

09-3513 James Szoke, et al. v. UPS, et al.

Northern District of Ohio at Cleveland S. Oliver

Plaintiffs appeal the summary judgment in favor of the defendant in this ERISA action seeking the enforcement and clarification of rights under a retirement plan. (15 Minutes Per Side)

08-2549 USA v. Damarlon Thomas

Eastern District of Michigan at Bay City T. Ludington

09-1159 USA v. Kevin Stephens

Eastern District of Michigan at Bay City T. Ludington

09-1566 USA v. Stanley Brazil, Jr.

Eastern District of Michigan at Bay City C. Binder

Defendant Thomas appeals the judgment of sentence entered on his guilty plea to distribution of five grams or more of cocaine base. Defendant Stephens appeals the judgment of sentence entered on his guilty plea to possession with intent to distribute over five grams of cocaine base. Defendant Brazil appeals his conviction and sentence for distribution and aiding and abetting distribution of 50 grams or more of cocaine base. (08-2549 and 09-1566, 10 Minutes for each Defendant; 20 Minutes for Plaintiff; 09-1159, To Be Submitted On Briefs)

09-3165 Steven Hood v. Julius Wilson

Northern District of Ohio at Toledo D. Nugent

Petitioner appeals a district court's order denying his petition for a writ of habeas corpus under 28 USC § 2254. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, August 03, 2010

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Siler, Sutton, Cleland**

09-3094 United States of America v. Tomas Perez-Sanchez

Northern District of Ohio at Toledo J. Carr

Defendant appeals the judgment of conviction and sentence entered on his guilty plea to illegal reentry.
(To Be Submitted On Briefs)

09-6058 Dennis Boseley v. Commissioner Social Security A

Eastern District of Tennessee at Knoxville T. Phillips

Plaintiff appeals an order granting the defendant summary judgment in this action for disability benefits.
(15 Minutes Per Side)

08-4256 United States of America v. United Technologies Corporatio

Southern District of Ohio at Dayton T. Rose

08-4257 United States of America v. United Technologies Corporatio

Southern District of Ohio at Dayton T. Rose

Plaintiff appeals and the defendant cross-appeals the judgment in favor of the plaintiff following a bench trial in this action brought under the False Claims Act. (15 Minutes Per Side)

09-3775 Shelley Evans-Marshall v. Board of Education of the Tipp, et al.

Southern District of Ohio at Dayton W. Rice

Shelley Evans-Marshall, a pro se Texas resident, appeals the judgment of the district court dismissing her 42 USC § 1983 complaint. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, August 03, 2010

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Guy, Moore, Griffin**

09-4230 Mark Frontera v. City of Columbus Division of P

Southern District of Ohio at Columbus E. Sargus

Plaintiff appeals the summary judgment for defendants and the denial of his motion to reopen in this civil rights action challenging an adverse action in his employment as a police officer. (To Be Submitted On Briefs)

09-4274 Cliff Porter v. City of Columbus, et al.

Southern District of Ohio at Columbus E. Sargus

Plaintiff appeals the summary judgment for defendant and the denial of post-judgment motions in this civil rights action challenging his removal from an eligibility list for a municipal police department and related activity. (To Be Submitted On Briefs)

09-5124 USA v. Mark Ivy

Western District of Tennessee at Memphis J. McCalla

Defendant appeals the judgment of conviction and sentence for child pornography and criminal forfeiture. (To Be Submitted On Briefs)

08-6323 USA v. William Peppers

Western District of Tennessee at Memphis B. Donald

Defendant appeals his conviction and sentence following his guilty plea to carjacking and carry/use of a firearm during and in relation to a crime of violence. (To Be Submitted On Briefs)

08-1266 USA v. Alex Zakharia

Eastern District of Michigan at Detroit P. Borman

09-1219 USA v. Alex Zakharia

Eastern District of Michigan at Detroit P. Borman

Defendant appeals the judgment of conviction and sentence for contempt of court. He further appeals an order directing him to comply with the plea agreement. (15 Minutes Per Side)

09-5632 USA v. Joaquin Lafarga

Western District of Kentucky at Louisville J. Heyburn

Defendant appeals his judgment of conviction and sentence for reentry of a deported alien. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, August 03, 2010

403 - 4th Floor Courtroom, 1:30 P.M.

Before: **Boggs, Clay, Wiseman**

09-5677 USA v. Ellis Roark

Eastern District of Kentucky at London G. Van Tatenhove

Defendant appeals his judgment of conviction and sentence to possession with intent to distribute oxycontin. (15 Minutes Per Side)

09-4169 MJR International, Inc. v. American Arbitration Associati, et al.

Southern District of Ohio at Columbus A. Marbley

Plaintiff appeals the judgment for the defendants following a bench trial in this action for a declaratory judgment to determine whether plaintiff must participate in arbitration proceedings. (15 Minutes Per Side)

09-3281 USA v. Scott Berringer

Northern District of Ohio at Cleveland S. Lioi

Defendant appeals the judgment of conviction and sentence entered on his guilty plea to receipt and distribution of child pornography. (To Be Submitted On Briefs)

09-2076 Terri Kalmbach v. Commissioner of Social Securit

Eastern District of Michigan at Bay City T. Ludington

Plaintiff appeals the summary judgment for the Commissioner in this action challenging the denial of disability benefits. (To Be Submitted On Briefs)

09-4592 USA v. Shawn Moreland

Northern District of Ohio at Youngstown S. Oliver

Defendant appeals the judgment revoking his term of supervised release and sentencing him to a period of incarceration. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, August 03, 2010

403 - 4th Floor Courtroom, 5:00 P.M.

Before: **Boggs, Clay, Gibbons**

09-3871 Kevin Keith v. David Bobby

Northern District of Ohio at Cleveland

P. Economus

Petitioner, an Ohio inmate under a capital sentence for three counts of aggravated murder, appeals the determination that his petition for a writ of habeas corpus under 28 U.S.C. Section 2241 was a second or successive petition. (30 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, August 03, 2010

607 - 6th Floor West Courtroom, 2:00 P.M.

Before: **Siler, Rogers, Sutton**

07-3991 McGuire v. State of Ohio, et al.

Southern District of Ohio at Dayton S. Dlott

Petitioner, an Ohio inmate sentenced to death for kidnapping, rape, and aggravated murder, appeals the denial of his petition for a writ of habeas corpus. (30 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, August 03, 2010

636 - 6th Floor East Courtroom, 1:30 P.M.

Before: **Moore, Gibbons, McKeague**

07-4285 Jeffrey Wogenstahl v. Betty Mitchell

Southern District of Ohio at Cincinnati T. Rose

Petitioner, an Ohio prisoner, under a sentence of death for murder committed during an aggravated burglary and/or kidnapping, appeals the denial of his petition under 28 U.S.C. 2254 for a writ of habeas corpus. (30 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, August 04, 2010

117-1st Floor Courtroom, 9:00 A.M.

Before: **Guy, Moore, Griffin**

09-5397 USA v. Maurice Johnson

Eastern District of Tennessee at Greeneville J. Greer

Defendant appeals his judgment of conviction and sentence upon a guilty plea to drug and firearm offenses. (15 Minutes Per Side)

09-5762 USA v. Danny Winberry

Western District of Tennessee at Memphis B. Donald

Defendant appeals the judgment of conviction and sentence, upon a guilty plea, to conspiracy to use interstate commerce facilities in the commission of murder-for-hire (resulting in death) and arson. (15 Minutes Per Side)

09-3974 Frederic Gawry, et al. v. Countrywide Home Loans, Inc., et al.

Northern District of Ohio at Cleveland D. Polster

Plaintiff appeals the summary judgment for defendants and denial of class certification in this action challenging prepayment and refinancing penalties within residential mortgage contracts. (15 Minutes Per Side)

09-3533 Eugene Anderson v. Reginald Wilkinson, et al.

Southern District of Ohio at Columbus A. Marbley

Respondent appeals from a district court's grant of a petition for a writ of habeas corpus pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

09-6081 Roger Tilley v. Comm of Social Security

Western District of Tennessee at Memphis J. Todd

Plaintiff appeals the district court's order affirming the decision denying Social Security disability insurance benefits and supplemental security income benefits. (15 Minutes Per Side)

08-5964 United States of America v. Hector Guajardo

Eastern District of Tennessee of Chattanooga R. Edgar

Defendant appeals the order denying his motion to suppress and subsequent conviction for conspiracy to distribute cocaine hydrochloride and heroin. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, August 04, 2010

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Boggs, Clay, Wiseman**

09-3938 Elias Abudaya v. Eric Holder, Jr.

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (15 Minutes Per Side)

09-1654 USA v. Ford Motor Company

Eastern District of Michigan at Detroit A. Cohn

In this action under the False Claims Act, plaintiff appeals the order denying leave to file an amended complaint and the dismissal of its action. (15 Minutes Per Side)

09-3484 Korey Baker v. Edwin Voorhies, Jr.

Southern District of Ohio at Dayton T. Rose

Petitioner appeals the district court's judgment denying his petition for a writ of habeas corpus pursuant to 28 U.S.C. Section 2254. (To Be Submitted On Briefs)

08-4240 Vilme Gjonaj v. Eric H. Holder, Jr.

Board of Immigration Appeals

09-3663 Vilme Gjonaj v. Eric Holder, Jr.

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (15 Minutes Per Side)

08-4598 USA v. Christopher McCormick

Northern District of Ohio at Toledo J. Zouhary

Defendant appeals the judgment of sentence entered on his guilty plea to receipt of child pornography. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, August 04, 2010

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Cole, McKeague, Mays**

09-1848 Dealer Computer Services, Inc. v. Dub Herring Ford

Eastern District of Michigan at Detroit N. Edmunds

Plaintiff appeals the dismissal of its action seeking to confirm a partial final class determination by the arbitrator. (15 Minutes Per Side)

09-3844 Emanoel Biriac v. Eric Holder, Jr.

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (15 Minutes Per Side)

09-1895 Christopher Johnson v. Hugh Wolfenbarger

Eastern District of Michigan at Detroit D. Hood

Respondent appeals the district court's judgment granting Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

09-4149 Daniel McCarthy, et al. v. City of Cleveland

Northern District of Ohio at Cleveland J. Gwin

Plaintiffs appeal the dismissal of this action for declaratory relief challenging their citation for traffic offenses and resulting fines based on photographs taken by automatic enforcement cameras. (15 Minutes Per Side)

09-5399 USA v. Douglas Whisnant

Eastern District of Tennessee at Knoxville T. Varlan

Defendant appeals his judgment of conviction and sentence for various firearm offenses. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, August 04, 2010

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Siler, Sutton, Cleland**

09-3276 USA v. Oscar Wells

Northern District of Ohio at Cleveland S. Oliver

Defendant appeals his jury conviction, denial of motion for a new trial, and sentence for bribery and extortion. (15 Minutes Per Side)

09-6085 Larry Bonner v. Metropolitan Life Insurance Co

Western District of Tennessee at Memphis B. Donald

Plaintiff appeals the orders granting defendant's motion for summary judgment and a third-party defendant's motion for summary judgment in this civil action seeking a declaratory judgment regarding insurance benefits. (15 Minutes for Appellant; 15 Minutes To Be Shared by Appellees)

09-3268 Alma Vushaj v. Eric Holder, Jr.

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies a motion to reopen based on changed country conditions. (To Be Submitted On Briefs)

09-5730 USA v. Michael Ham

Eastern District of Tennessee at Knoxville T. Varlan

Defendant appeals his judgment of conviction and sentence, upon a jury verdict, to various drug and firearm offenses. (15 Minutes Per Side)

08-4680 USA v. Clint Walker

Southern District of Ohio at Cincinnati S. Beckwith

08-4682 USA v. Clint Walker

Southern District of Ohio at Cincinnati S. Beckwith

Defendant appeals the judgment of sentence entered on his guilty plea to armed bank robbery and brandishing a firearm during a crime of violence. (15 Minutes Per Side)

09-5312 USA v. David Puskas

Eastern District of Tennessee of Chattanooga R. Edgar

Defendant appeals the revocation and imposition of judgment after he violated supervised release. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, August 04, 2010

636 - 6th Floor East Courtroom, 2:00 P.M.

Before: **Boggs, Siler, Moore**

09-6149 Deborah Branham v. Gannett Satellite Information

Middle District of Tennessee at Nashville T. Campbell

Plaintiff appeals the summary judgment for defendant in this action for violation of the Family Medical Leave Act. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, August 05, 2010

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Sutton, McKeague, Jonker**

09-3864 American Energy Corporation, et al. v. Rockies Express Pipeline LLC

Southern District of Ohio at Columbus G. Frost

Plaintiffs appeal the dismissal of this action to stop the defendant's interference with their claimed superior property rights. (15 Minutes Per Side)

09-3289 USA v. McCellon Montgomery

Southern District of Ohio at Columbus G. Frost

Defendant appeals the judgment of conviction and sentence entered on his guilty plea to manufacture marijuana plants. (To Be Submitted On Briefs)

09-5867 Deutsche Bank National Trust C v. Katherine Tucker, et al.

Eastern District of Kentucky at Covington D. Bunning

Petitioner appeals a bankruptcy court's decision concluding that 11 U.S.C. Section 506(b) does not allow post-petition interests, fees, costs, and charges as part of an undersecured creditor's proof of claim. (15 Minutes for Appellant; 15 Minutes to be Shared by Appellees)

09-6054 Rudolph Escher, Jr. v. BWXT Y-12LLC

Eastern District of Tennessee at Knoxville R. Jordan

Plaintiff appeals an order granting summary judgment to the defendant in this action under the Uniformed Services Employment and Reemployment Rights Act, the Tennessee Public Protection Act, and common law retaliation. (15 Minutes Per Side)

08-5495 USA v. John Whelan, Jr.

Eastern District of Kentucky at Lexington G. Van Tatenhove

Defendant appeals his conviction and sentence following his guilty plea to conspiracy to distribute oxycodone, attempt to possess with intent to distribute oxycodone and criminal forfeiture. (To Be Submitted On Briefs)

08-6363 USA v. Leslie Allen

Eastern District of Tennessee of Chattanooga H. Mattice

Defendant appeals his jury conviction and sentence for conspiracy to distribute cocaine base, possession and distribution of cocaine base, use of a firearm during and in relation to a crime of violence, and being a felon in possession of a firearm. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, August 05, 2010

607 - 6th Floor West Courtroom, 8:30 A.M.

Before: **Boggs, Siler, Moore**

09-3191 United States of America v. Butch Dixon

Southern District of Ohio at Dayton W. Rice

Defendant appeals the judgment of conviction and sentence entered on a guilty verdict for conspiracy to attempt to possess with intent to distribute cocaine. (15 Minutes Per Side)

09-2007 USA v. Jerry Byars

Western District of Michigan at Grand Rapids R. Bell

Defendant appeals the criminal judgment entered following his plea of guilty to receipt of images of minors engaged in sexually explicit conduct. (15 Minutes Per Side)

09-1763 USA v. Devaron Holland

Eastern District of Michigan at Detroit L. Zatkoff

Defendant appeals the order denying his motion to reduce his sentence pursuant to 18 U.S.C. Section 3582(c)(2). (To Be Submitted On Briefs)

09-3722 Saidou Sao v. Eric Holder, Jr.

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, August 05, 2010

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Cole, Clay, Katz**

08-4291 USA v. Marcus Cobb

Southern District of Ohio at Columbus G. Smith

Defendant appeals his conviction and sentence for violation of the Hobbs Act, bank robbery, and brandishing a firearm during a crime of violence. (15 Minutes Per Side)

09-6334 Angela Harrell v. Grainger County, Tennessee, et al.

Eastern District of Tennessee at Knoxville T. Phillips

The plaintiff appeals the district court's grant of summary judgment for the defendants in this prisoner civil rights case pursuant to 42 U.S.C. Section 1983. (15 Minutes Per Side)

08-6395 USA v. William Richards

Western District of Kentucky at Louisville J. McKinley

Defendant appeals his jury conviction and sentence for two counts of false statement to influence administration action. (15 Minutes Per Side)

09-1284 USA v. Richard Blanchard

Eastern District of Michigan at Flint S. Cox

In this criminal action tried to a jury, defendant appeals his conviction for failure to account for and pay withholding and FICA taxes and making false claims for tax refunds. (15 Minutes Per Side)

09-3118 Bi Qu v. Eric Holder, Jr.

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

09-1309 Dale Geno v. Linda Metrish

Eastern District of Michigan at Detroit A. Tarnow

Petitioner appeals the district court's judgment denying his petition for a writ of habeas corpus pursuant to 28 U.S.C. Section 2254. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, August 05, 2010

403 - 4th Floor Courtroom, 1:30 P.M.

Before: **Guy, Griffin, Wilhoit**

08-6547 USA v. Robert Prince, III

Western District of Tennessee at Memphis J. McCalla

Defendant appeals his jury conviction and sentence for conspiracy to launder money and forty counts of money laundering. (15 Minutes Per Side)

09-3642 USA v. Townsend

Southern District of Ohio at Columbus J. Graham

Defendant appeals the judgment of conviction and sentence entered on his guilty plea to transportation of an individual in interstate commerce for prostitution. (15 Minutes Per Side)

09-6033 Joseph Shaheen v. Burgess Yonts, et al.

Western District of Kentucky at Paducah T. Russell

Plaintiff appeals the summary judgment for defendants and the denial of his motion for reconsideration in this diversity action to recover for a death resulting from a fraternity member's excess consumption of alcohol. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

09-1593 USA v. Albert Hughes

Western District of Michigan at Grand Rapids R. Jonker

Defendant appeals the judgment entered following his plea of guilty to possession with intent to distribute cocaine base and cocaine and firearms charges. (15 Minutes Per Side)

09-3709 Moshen Ayyad v. Eric Holder, Jr.

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

08-4488 United States of America v. Dale Walls

Northern District of Ohio at Toledo J. Zouhary

Defendant appeals the judgment of conviction and sentence entered on his guilty plea to possession of child pornography, production of child pornography, and receipt and distribution of child pornography. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, August 05, 2010

636 - 6th Floor East Courtroom, 2:00 P.M.

Before: **Merritt, Siler, Cole**

08-4019 Archie Dixon v. Marc Houk

Northern District of Ohio at Toledo J. Gwin

Petitioner, an Ohio inmate under a sentence of death for aggravated murder, appeals the denial of his petition for a writ of habeas corpus under 28 U.S.C. Section 2254. (30 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Friday, August 06, 2010

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Guy, Griffin, Hood**

10-3116 USA, et al. v. City of Loveland, Ohio

Southern District of Ohio at Cincinnati S. Spiegel

Defendant appeals the district court's order granting the plaintiffs' motion for judgment on the pleadings and enjoining the defendant's attempt to modify a consent decree addressing infrastructure improvements in the Metropolitan Sewer District of Greater Cincinnati. (15 Minutes for the Appellant; 15 Minutes to be Shared by the Appellee and the Intervenor)

08-2554 USA v. Alonzo Monday

Western District of Michigan at Grand Rapids R. Cleland

Defendant appeals the post-judgment order denying his motion for a reduced sentence pursuant to 18 U.S.C. Section 3582(c)(2). (To Be Submitted On Briefs)

09-3703 Mark Albrecht, et al. v. Brian Treon, et al.

Southern District of Ohio at Cincinnati S. Dlott

In this action claiming a due process violation when their son's remains were not returned to them after an autopsy, the plaintiffs appeal the judgment on the pleadings for the defendants. (15 Minutes Per Side)

08-6409 USA v. Gary Williams

Eastern District of Tennessee at Greeneville J. Greer

Defendant appeals his conviction and sentence following his guilty plea to possession of cocaine base and cocaine. (15 Minutes Per Side)

09-3772 Cheikh Koita v. Eric Holder, Jr.

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies a motion to reopen based on changed country conditions. (To Be Submitted On Briefs)

09-3930 USA v. Timiko Payton

Northern District of Ohio at Akron W. Baughman

Defendant appeals the denial of his motion under 18 U.S.C. Section 3582(c)(2) to modify his sentence based on amendments to the U.S. Sentencing Guidelines for crack cocaine offenses. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Friday, August 06, 2010

607 - 6th Floor West Courtroom, 8:30 A.M.

Before: **Sutton, McKeague, Jonker**

09-5431 USA v. David Brown

Eastern District of Tennessee of Chattanooga H. Mattice

Plaintiff appeals a district court order granting the defendant's motion for judgment of acquittal on a charge of being a felon in possession of a firearm. (15 Minutes Per Side)

09-3897 James Price v. Bd of Trustees of the Indiana, et al.

Southern District of Ohio at Columbus A. Marbley

09-4204 James Price v. Bd of Trustees of the Indiana, et al.

Southern District of Ohio at Columbus A. Marbley

In this ERISA action challenging the termination of Occupational Disability Benefits under a plan, the defendants appeal the judgment for the plaintiff and the award of attorney fees to him. (15 Minutes Per Side)

09-3362 United States of America v. James Streets

Southern District of Ohio at Columbus M. Watson

Defendant appeals from the jury verdict finding him guilty of mail fraud and making false statements pursuant to 18 U.S.C. Sections 1001 and 1341. (15 Minutes Per Side)

09-6228 Lesiure Caviar, LLC., et al. v. United States Fish and Wildlife, et al.

Eastern District of Tennessee of Chattanooga H. Mattice

Plaintiffs appeal the dismissal of this action for failure to meet the jurisdictional requirements of the Federal Tort Claims Act. (15 Minutes Per Side)

08-5911 USA v. Maurice Johnson

Eastern District of Tennessee of Chattanooga R. Edgar

Defendant appeals his conviction and sentence following his guilty plea to conspiracy to distribute cocaine base. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Friday, August 06, 2010

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Cole, Clay, Katz**

09-5220 USA v. Darius Harris

Eastern District of Kentucky at Covington D. Bunning

Defendant appeals his conviction and sentence for various drug offenses. (15 Minutes Per Side)

09-2164 Richard Baud v. Krispen S. Carroll, et al.

Eastern District of Michigan at Detroit N. Edmunds

The Trustee appeals the judgment reversing the confirmation of the debtor's Chapter 13 plan and remanding to permit a modification of the plan as provided for in the judgment. (15 Minutes Per Side)

09-1136 USA v. Amar Sliwo

Eastern District of Michigan at Detroit A. Cohn

In this criminal action tried to a jury, defendant appeals his conviction of conspiracy to distribute marijuana. (15 Minutes per Side)

08-6418 USA v. Troy Master

Eastern District of Tennessee of Chattanooga H. Mattice

Defendant appeals the order denying his motion to suppress and his subsequent conviction for being a felon in possession of a firearm. (15 Minutes Per Side)

09-1711 Lee Morof, et al. v. United Missouri Bank, Warsaw

Eastern District of Michigan at Detroit N. Edmunds

In this diversity action challenging the bank's honoring checks that were not endorsed by the named payees, plaintiffs appeal the summary judgment for the defendant. (To Be Submitted On Briefs)

09-5362 Jeffrey Casey v. TN

Middle District of Tennessee at Columbia W. Haynes

Petitioner appeals the judgment of the district court denying as untimely his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254. (To Be Submitted On Briefs)